(2) (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. NO. 3404 /2006

PETITIONER : S.K. Pasayat
Aged about 61 years
S/o. Late Venudhar Pasayat
Assistant Professor Late Raja Virendra Bahadursingh, Shashkiya Mahavidyalaya, Saraipali (C.G.), R/o. Near Maa Ghanteshwari Mandir Saraipali, Dist.Mahasamund (C.G.)

P.R. No. 3474/06
Presented by Shri R. Pradhan
dated 16/11/06

VERSUS

RESPONDENTS :1. The State of Chhattisgarh
Through : Secretary
Department of Higher Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

2. Deputy Secretary
Department of Higher Education D.K.S. Bhawan Raipur (C.G.)

3. The Commissioner,
Directorate of Higher Education, Raipur (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.-3404/ **सन् 2006**

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12-7-2006

Mr. Raghavendra Pradhan, counsel for the petitioner.

Mr. Sumesh Bajaj, Govt. Advocate for the State/respondents/Caveator.

Heard both the counsel.

By the instant writ petition, the petitioner has challenged the transfer order dated 30-6-2006 passed by respondent No.2, whereby the petitioner who is working as Assistant Professor in Late Raja Virendra Bahadur Singh Govt. College, Saraipali has been transferred to Govt. College, Surajpur, District: Surguja.

The main ground of challenge is that the petitioner is going to retire in the month of June, 2007 and only 11 months are left, even then, he has been transferred, that too at a distance of more than 300 kms. and the petitioner's home district is Mahasamund. There is a Government policy that as far as possible a person who is supposed to retire within a period of one year shall not be transferred.

Learned counsel for the petitioner submits that apart from the above, if the petitioner is allowed to transfer it will be difficult to settle the pension case of the petitioner. In the circumstances, learned counsel submitted that the petitioner may be allowed to make a representation to respondent No.1 and in turn, respondent No.1 be directed to decide the representation, to which learned counsel appearing for the State/respondents has no objection.

Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on merit of the case, the request made by learned counsel for the petitioner is just, fair

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मामला क्रमांक W.P.3404/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश का क्रमांक	हस्ताक्षर सहित आदेश – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and reasonable. Therefore, the petitioner is allowed to make a detailed representation raising all his grievances annexing a copy of the writ petition to respondent No.1 within ten days from today and respondent No.1 is directed to decide the representation within one month from the date of its receipt after considering the points raised by the petitioner, in an objective manner, in accordance with law. Considering the points raised by the petitioner, the effect and operation of the impugned transfer order in respect of the petitioner is stayed, till the representation is decided, subject to the condition that if the petitioner is already not relieved.

With the directions aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.2611/2006 and I.A.No.6680/2006 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma